



BEFORE THE MONTGOMERY COUNTY ETHICS COMMISSION

**Advisory Opinion No. 03-016
(Item 03-016)**

Absent a waiver, a former public employee cannot work for someone else on a “specific matter” for 10 years after the last date the employee “significantly participated” in that matter as a public employee. § 19A-13(a).¹ A former public employee wants to work for a County contractor on a matter generally related to his prior work as a public employee. We conclude that there is no violation of § 19A-13(a) because the former employee will not be working on the same specific matter he worked on as a public employee.

The former employee resigned as a Senior Analyst/Programmer with the Department of Information Systems and Telecommunications in May 2000. The employee’s responsibilities included work on County budget applications. A contractor with the Department of Health and Human Services asked the employee to assist it with the completion and support of DHHS’ Medical Billing System and Budget Analysis Information Tracking System. Prior to this, the employee had never met the contractor or heard of the project.

Based upon these facts the former public employee will not be working for the contractor on the same “specific matter” that the former employee worked on as a public employee. While both matters broadly involve budget programs, the similarity ends there. These are not the same “specific matter.” Thus, there is no violation of § 19A-13(a). Moreover, there is no violation of § 19A-13(b) because the employee did not significantly participate in regulating the contractor or have official responsibility concerning a County contract with the contractor.

FOR THE COMMISSION:

Elizabeth K. Kellar, Chair

May 15, 2003

¹ Unless indicated otherwise, all references are to the Montgomery County Code (1994), as amended.